IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 32 OF 2007

MR. SANTOSH KUMAR SINGH, C. P. NO.810 PRESENTLY SERVING SENTENCE AT CENTRAL JAIL, AGUADA ... Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 2 ORS., ... Respondents

Ms. Asha Desai, Advocate for the Petitioner.

Ms. Winnie Coutinho, Public Prosecutor for the Respondents.

Coram:- N. A. BRITTO, J.

Date:- 11th October, 2007

P.C.:-

Heard Ms. Asha Dessai, learned Counsel on behalf of the Petitioner and Ms. Winnie Coutinho, learned Public Prosecutor on behalf of the Respondents.

The Petitioner has challenged the Order dated 3-7-2007 of the Inspector General of Prisons, Panaji, declining to release him on parole in terms of Rule 324 of the Goa Prison Rules, 2006.

The Petitioner who is a convict undergoing sentence under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985 for a period of 10 years w.e.f. 14-5-2004 had sought for his release on parole for a period of 30 days on the ground that "his ailing wife is facing serious difficulties" due to his confinement for the last 2 years 7 months, etc. The Petitioner's application appears to have been sent for report to the in-charge of Thiyog Police Station in Himachal Pradesh and the Police has reported that the wife of the said prisoner is living with her father and that as per the report of his wife, "she is ailing, suffering illness and facing difficulties". There is no doubt that the request of the prisoner has also been rejected on the

ground that the prisoner is from Nepal and that there is every possibility that if parole is granted there is possibility of his jumping parole. However, it is to be noted that the ground given by the Petitioner is vague and the same vagueness is repeated in the report of the Police Officer in-charge of Thiyog Police Station and neither from the ground urged nor from the report it is possible to know as to what sort of illness the Petitioner's wife is ailing from or what difficulties she is undergoing through.

In such a situation, no case is made out for interference in the impugned Order.

The Petitioner would be at liberty to obtain a medical certificate as regards the sickness of his wife and apply afresh to the Inspector General of Prisons for his release on parole.

With the above observations, the petition is disposed off.

N. A. BRITTO, J.

RD.